

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE:)	
)	
MOORE-HANDLEY, INC., et al.,)	BANKRUPTCY CASE NO:
)	09-04198-TBB-7
)	
Debtor.)	
)	
JAMES G. HENDERSON, TRUSTEE,)	
)	
Plaintiff.)	
)	ADVERSARY PROCEEDING NO.:
vs.)	
)	
BAYMONT, INC.,)	
)	
Defendant.)	

COMPLAINT

COMES NOW, James G. Henderson, Trustee of the above estate and for his Complaint against the above-named defendant would show this Court as follows:

1. Plaintiff is the duly qualified and acting Trustee of the estate of the above-named Debtor.
2. This Adversary Proceeding is for recovery of monies for the bankruptcy case of Moore-Handley, Inc., et al., being Case No. 09-04198-TBB-7 on the docket of this Court.
3. This Court has jurisdiction over this Adversary Proceeding pursuant to 28 U.S.C. §157, 1334 and 11 U.S.C. §§ 547, 548 and 550. This is a core proceeding under 28 U.S.C. § 157(b)(2)(E)(F) & (H).
4. This bankruptcy case was initiated by a voluntary petition filed on July 17, 2009 and subsequently converted to a proceeding under Chapter 7 on June 1, 2010.

COUNT ONE

5. Plaintiff incorporates each and every allegation contained in paragraphs one (1) through four (4) as if fully set out herein.
6. Upon information and belief, the Debtor has transferred its property to defendant, a creditor of the Debtor, by making payments to Defendant from April 17, 2009, through July 17, 2009 in the amount of \$14,713.44 as outlined in the attached Exhibit A. Said payments were made for and on the account of an antecedent owed by Debtor to Defendant, an unsecured creditor.
7. At the time of the transfers, Debtor was insolvent.
8. Said transfers enabled defendant to obtain more than (it) would have received under this Chapter 7 case if the transfers had not been made and Defendant had received payments of its debts to the extent provided under the Bankruptcy Code.
9. The Trustee has demanded repayment of said sum(s) from the defendant but the defendant has refused to repay same.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment in his favor and against Defendant, Baymont, Inc., in the amount of \$14,713.44, together with interest, costs, and any additional amounts as may be determined through discovery and proof, and the Plaintiff have such further and additional relief as this Court may deem appropriate.

Respectfully submitted,

/s/ William Dennis Schilling

William Dennis Schilling
Attorney for Trustee

OF COUNSEL:

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Serve Defendant at:

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c/o Mr. Mike Stockton, President
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